

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM R. VAN NOTE,

Plaintiff,

v.

DECISION AND ORDER
15-CV-141A

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 21, 2016, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 11), recommending that plaintiff's motion for judgment on the pleadings (Dkt. No. 6) be granted, and this case be remanded to the Acting Commissioner for further proceedings. Magistrate Judge McCarthy further recommended that the Acting Commissioner's cross motion for judgment on the pleadings (Dkt. No. 9) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, this case is remanded to the Acting Commissioner for further proceedings. Plaintiff's motion for judgment on the pleadings is granted, and the Acting Commissioner's cross motion for

similar relief is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: November 23, 2016